



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,929	06/27/2003	Eric Christopher McNally	02,394-A	7009
7590	04/06/2004			
Alison J. Baldwin McDonnell Boehnen Hulbert & Berghoff 32nd Floor 300 S. Wacker Drive Chicago, IL 60606			EXAMINER CHENEVERT, PAUL A	
			ART UNIT 3612	PAPER NUMBER
DATE MAILED: 04/06/2004				



## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

# DOCKETED

APR 09 2004

DUE DATE:                       
BY:



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 02,394-A)

IN THE APPLICATION OF:

Eric Christopher McNally

Serial No. 10/608,929

Filed: June 27, 2003

Title: Truck Body Hinge Assembly

Examiner: Paul A. Chenevert  
Group Art Unit: 3612

TRANSMITTAL LETTER

Mail Stop: ISSUE FEE  
Attention: Draftsperson  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a. Response to Notice of Allowability;
- b. Formal Drawings (5 sheets);
- c. Copy of Notice of Allowability
- d. Return Receipt Postcard.

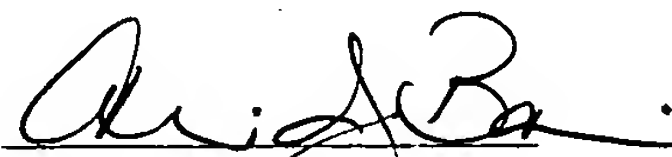
2. With respect to additional fees:

☐ Check in the amount of \$0.00.

3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490.  
A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: ISSUE FEE, Attention: Draftsperson, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30<sup>th</sup> day of June, 2004.

Respectfully submitted,

By:   
Alison J. Baldwin  
Reg. No. 48,968



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Attention: Draftsperson, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

6/30/04  
Date

Yolanda Buenavista  
Signature

**PATENT**

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 02,394-A)

IN THE APPLICATION OF:

Eric Christopher McNally

Serial No. 10/608,929

Filed: June 27, 2003

Title: Truck Body Hinge Assembly

Examiner: Paul A.  
Chenevert

Group Art Unit: 3612

RESPONSE TO 37 C.F.R. § 1.84 NOTICE

Mail Stop: ISSUE FEE  
Attention: Draftsperson  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowability dated April 6, 2004, there are enclosed herewith:

- (a) Five (5) sheets of formal drawings to incorporate the changes required by the examiner in the Notice of Allowability; and
- (b) A copy of the Notice of Allowability.


Applicant believes that these drawings meet the examiner's requirements. The Commissioner is hereby authorized to charge fees which may be required, or credit overpayment, to McDonnell Boehnen Hulbert & Berghoff, Account No. 13-2490.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff

Date: 6/30/04

By:   
Alison J. Baldwin  
Reg. No. 48,968



# Notice of Allowability

Application No.

10/608,929

Examiner

Paul A. Chenevert

Applicant(s)

MCNALLY, ERIC CHRISTOPHER

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Oath filed 06NOV03.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

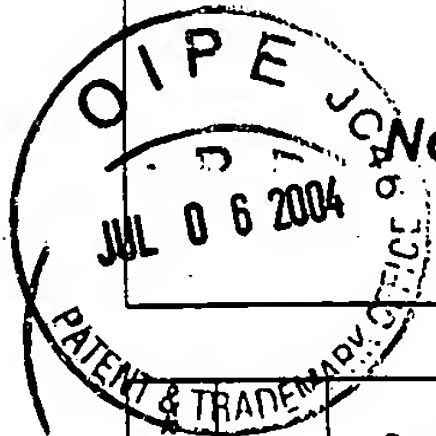
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____  |



# Notice of References Cited

Application/Control No.

10/608,929

Applicant(s)/Patent Under

Reexamination

MCNALLY, ERIC CHRISTOPHE

Examiner

Paul A. Chenevert

Art Unit

3612

Page 2 of 2

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,131,981 A	10-2000	Finley, Alfred L.	296/37.6
*	B	US-6,139,081 A	10-2000	Lemieux, Michael J.	296/37.7
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Art Unit: 3612

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Alison J. Baldwin on 25MAR04.
3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 6-27 been renumbered 5-26. The application has been amended as follows:

Page 8:

Line 18, --coated-- has been inserted after "Galva Neal".

Page 9:

Line 2, --coated-- has been inserted after "Galva Neal",

Line 5, --76-- has been deleted,

Lines 12 & 13, "74" has been changed to --78--.

Page 11:

Lines 10 & 11, "20" has been changed to --22--.

Page 18 (Abstract):

Line 1, "The present invention concerns a" has been changed to --A--.

Claim 6:

Line 2, --second-- has been inserted before "female hinge".

Claim 8:

Line 1, --second-- has been inserted before "female hinge".

Claim 19:

Line 2, --second-- has been inserted before "female hinge".

Claim 21:

Line 1, --second-- has been inserted before "female hinge".

5. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- a. Formal drawings must be submitted.
- b. Pin (80) should be added in Figure 2A.
- c. Reference number 32''' should be added to Figure 3 at the lower left corner.
- d. Reference number 36 should be changed to 35 in Figure 3A.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

6. The following is an examiner's statement of reasons for allowance: the prior art does not show or make obvious Applicant's tilt out truck bed door employing three female hinges, one male hinge, and a slide out pin.



Art Unit: 3612

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

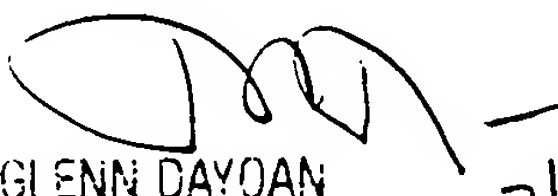
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert  
Examiner  
Art Unit 3612

PAC

PAC  
25MAR04

  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

3/31/04

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/608,929	MCNALLY, ERIC CHRISTOPHER	
	Examiner	Art Unit	
	Paul A. Chenevert	3612	

All participants (applicant, applicant's representative, PTO personnel):

(1) Paul A. Chenevert. (3) \_\_\_\_\_

(2) Alison J. Baldwin. (4) \_\_\_\_\_

Date of Interview: 25 March 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1-27.

Identification of prior art discussed: of the record.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant agreed to the Examiner's proposed changes to the application, drawings, and claims so as to put the case in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

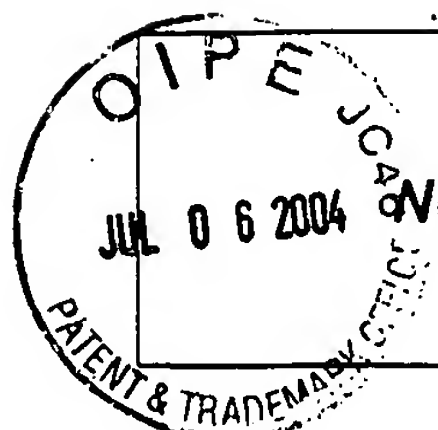
A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



Notice of References Cited

Application/Control No. 10/608,929	Applicant(s)/Patent Under Reexamination MCNALLY, ERIC CHRISTOPHE	
Examiner Paul A. Chenevert	Art Unit 3612	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-1,166,926 A	01-1916	O'NEILL, J. F.	180/69.2
*	B	US-2,455,417 A	12-1948	HOLAN JAMES H; et. al.	296/37.6
*	C	US-2,504,222 A	04-1950	WALTER OTTO	296/24.45
*	D	US-2,530,578 A	11-1950	HOTOP NORBERT C	296/24.32
*	E	US-4,370,829 A	02-1983	Wagner, Robert J.	49/388
*	F	US-4,955,659 A	09-1990	Kosugi, Toshio	296/146.8
*	G	US-5,000,502 A	03-1991	Lyall, Rodney	296/186.4
*	H	US-5,259,091 A	11-1993	Mordick, Brian L.	16/262
*	I	US-5,267,773 A	12-1993	Kalis et al.	296/183.1
*	J	US-5,421,645 A	06-1995	Young, Richard E.	312/108
*	K	US-5,839,775 A	11-1998	Young et al.	296/182.1
*	L	US-6,089,639 A	07-2000	Wojnowski, Stanley J.	296/37.6
*	M	US-6,099,070 A	08-2000	Yocum, Gene	296/182.1

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	EP 314616 A1	05-1989	EP	GUTKNECHT, ANDRE-EMILE	16/262
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.